

Tarentines was a friend of Democedes. Out of kindness to him, to permit his escape, he imprisoned all the Persians as spies and took all the rudders off their ships. Democedes then lost no time in getting away to Crotona, his native city, about 150 miles from Tarentum. After this had been accomplished safely, the king discovered that the Persians were not spies after all, and so released them, at the same time restoring the rudders to their ships.

It is easy to understand that what troubled the Persians most about all this was the fact of Democedes' escape, for they remembered the commandment of Darius not to permit this to happen. As soon as they could get away, therefore, they sailed in pursuit of him. They found him in Crotona, in the market place, and attempted to arrest him; but his friends rallied to his defense, beat the Persians with their walking-sticks and drove them off, in spite of their protests and threats. The people of Crotona also seized and retained the treasure ship that Darius had presented to his physician. This seems to have convinced the Persians that they had better not try to make any further explorations of Greece; for with their guide taken away and their property stolen they thought before worse happened it would be well to get back home. As a parting message to Darius, Democedes sent word of his approaching marriage to the daughter of Milo, the famous athlete. This man was in high repute with Darius for his gigantic strength and his ability as a wrestler, and was probably respected more by the king for this than he would have been for intellectual attainments. So this message was to prove to Darius what a man of mark Democedes was in his own country. Thus the story ends, as regards the famous physician, who continued to live happily and prosperously thereafter in the city of his birth. The Persians, however, had many troubles on their way back. They were shipwrecked on the coast of Iapygia and made slaves by the inhabitants, and remained in this city a long time before at last they were ransomed. They found their way home ultimately and reported to Darius, who seems to have forgiven them after all for not bringing his physician with them. At any rate, if he did impale them alive on stakes, no one cared enough about it to record it in history.

210 Post Street.

CAN YOU HELP?

"The History of the Medical Profession of Southern California"

A volume by the above name was printed under the editorship of the late Dr. Walter Lindley and Dr. George H. Kress, back in 1910. Dr. George D. Lyman, 380 Post street, San Francisco, desires to purchase a copy of this for the Stanford University library.

The California State Medical Association, through the secretary, Dr. Emma Pope, is very anxious to have a copy of the same volume for its files.

The Barlow Medical Library, 741 North Broadway, is also anxious to have a copy of this volume for its files.

Anyone in possession of this book, who is willing to either sell the copy to the Stanford library or to donate a copy to our State Medical Association or to the Barlow Medical Library, would do a favor by writing to the above.

CALIFORNIA'S MEDICAL PRACTICE ACTS

By F. F. GUNDRUM, M. D., Sacramento

Doctor Gundrum here tells an ugly and discouraging story of facts that explain many things. Every physician should read and ponder this essay.—THE EDITORS.

THE material herein contained came from the minutes of the Medical Society of the State of California, the records in the office of the Secretary of State and in the State Library, and from the Statutes of the State of California.

The status of the physician—social, economic, and scientific—has varied widely during the past. Depending upon his usefulness to the community, and his opportunity to learn, he has been necromancer, slave, valet, gentleman, scientist. Throughout the ages, also, there have been multitudes of quacks who undertook to heal the sick without the bother of previously learning what there might be available to know concerning the art. These have been either sincere fanatics or mere crooks making a living through the exploitation of the sick. In great measure, perhaps, on account of the presence of unskilled and irresponsible practitioners, there has ever been a more or less vigorous effort to regulate the practice of the healing art. This regulation has been done by physicians themselves through painstaking teaching of medical apprentices by preceptors, of students by medical schools, and through the establishment of "Ethical Codes," such as the ancient oath of Hippocrates and modern similar, if sometimes unwritten, rules. This sort of regulation has been fairly successful. The better men and the better schools have splendid records of conscientious unsurpassed human service. Regulation has also been done, not always to the betterment of medical practice, by others. Earliest and most powerful of all was "public opinion." With a more conventionalized and formal social fabric, more definite supervision appeared. So ancient a document as Hamurabi's Code contains some regulatory sections (i. e., fixes fees). In Colonial America, doctors were relatively few. The apprentice-preceptor system of studying medicine was in vogue, and the then medical practitioners had control in large measure of the number and quality of practitioners to follow them. Later, medical schools grew up, largely owned, operated and controlled by medical men. These thrived, flourished, and many went sadly to seed, putting out very poorly trained men to the dissatisfaction of the profession and public alike. In casting about to find some remedy for this evil, some of our fathers hit upon the idea of having laws passed and licenses issued to all who were worthy. This placed the affairs of medicine into the hands of the states, that is to say, the legislatures, the governors, and, in certain states and of late years, the electors. The course of this regulation in California it is my purpose here briefly to outline. We may, for the sake of convenience, divide the progress of affairs into several distinct phases.

BEFORE 1876—FIRST PHASE—THE STATE TAKES NO OFFICIAL PART IN REGULATING MEDICAL PRACTICE

Before 1876 there was no legal restriction upon the practice of the healing art, and he who was thus

ambitious hung up his diploma, if he had one, in his office and his sign on the door. The sole criteria of success were therapeutic efficiency. This was stimulating and evolutionary. The ultimate control, however, was largely in the hands of the medical fraternity who had been preceptors of these and instructors in their schools. A goodly sprinkling of ill-educated gentlemen undertook the practice of medicine, to the disgust of those other better trained practitioners who saw the unnecessary disabilities, deformities, and deaths due to unskillful handling. Accordingly, there was considerable discussion as to a proper means of limiting the right to practice to those men only who had been sufficiently educated. At the third annual meeting of the California State Medical Society held in April, 1873, J. F. Morris of San Francisco introduced a resolution "that the State Medical Society, desiring to see some system adopted by which a high liberal standard of medical ideals and graduates may be secured, has heard with great pleasure that the State University contemplates an independent Board of Medical Examiners," etc. This motion failed, and at the fourth annual meeting in April, 1874, H. Gibbons, Sr., introduced a resolution "that it is desirable there should be a uniform system for examination of the degree of M. D. apart from institutions of teaching so that diplomas shall be awarded to all competent candidates, and the profession and society at large maybe protected against degrees awarded unworthy and incompetent persons," etc. This motion provided for the appointment of a committee of five, who reported on the following year at the fifth annual meeting, April, 1875. T. M. Logan of Sacramento, then secretary of the State Board of Health, who was chairman of the committee, read the resolution "that it is the duty of and we recommend to the legislature of the State of California to pass a law," etc. This was amended by H. Gibbons, Sr., back to the motion of the preceding year. The amendment was carried and this committee was appointed: Morse, Shurtlegg, Logan, Gibbons, Heuston.

LAW OF 1876

The legislature, at any rate, proceeded to the passage of an "act to regulate the practice of medicine in the state of California," known as Senate Bill 549, introduced by C. W. Bush of Los Angeles, and passed without roll-call, although five members asked to have their names recorded as voting in the negative. Assembly vote: Ayes, 45; noes, 18. This introduced the

SECOND PHASE—CONTROL LEFT IN MEDICAL HANDS, BUT LEGALIZED AND CERTIFICATED UNDER CERTAIN CONDITIONS BY THE STATE

The act provided for the appointment of a board of medical examiners of seven members by each State Medical Society, incorporated and in active existence on the tenth day of March, 1876. These were two—the Medical Society of the State of California, incorporated 1870, and the Eclectic Medical Society, incorporated 1874. Every person practicing medicine was required to present his diploma to the Board of Examiners for verification as to its genu-

ineness. If the board decided that the diploma was genuine, certificate to practice was to be granted. In case a practitioner had no diploma, he was compelled to submit himself for examination to the Board of Examiners. Should he appear to them to be sufficiently well qualified to practice, a certificate was issued without diploma. This privilege of examination for non-diploma holders expired December 1, 1876. The boards were enjoined to notify county clerks, who must keep a record of licensed practitioners within their counties. The fees received by the boards were turned over to the medical society appointing them. The procedure to be had for verification, refusal, or revocation of license, together with penalty for illegal practice, was provided for. Revocation could be had for "unprofessional and dishonorable conduct," details not entered into.

AMENDMENT OF 1878

The law of 1876 was amended in 1878 so as to include the Homeopathic Medical Society, incorporated 1877. Thus there were three licensing boards, each appointed by and responsible to one of the three then existent State Medical Societies. This amendment required an affidavit executed by each applicant presenting his diploma, to the effect that the medical institution granting the same was at the said time a legally incorporated institution actually and in good faith engaged in the business of medical education, etc. It discouraged itinerant practitioners by a fee of \$100 a month, but did not alter the control of medical practice. "Unprofessional conduct" could be decided by expert witnesses. These three boards continued in operation for twenty-three years.

LAW OF 1901—THIRD PHASE—THREE BOARDS ARE FUSED, REQUIREMENTS RAISED SOMEWHAT, EXAMINATION DEMANDED—THE DOCTORS STILL APPOINT THE MEMBERS

In 1901 the state legislature passed a bill introduced by D. W. Hasson of Buena Park, Orange County. The vote in the Assembly was: Ayes, 60; noes, 2. Senate: Ayes, 22; noes, 5. This bill became a law under a constitutional provision without the Governor's approval on the 27th of February, 1901.

There was established a conjoint board consisting of five members elected by the Medical Society of the State of California, two by the Homeopathic Medical Society, and two by the Eclectic Medical Society, nine in all. Six affirmative votes were required for any act or resolution. This provision forced the adherents of the different so-called "schools of practice" into some sort of accord, no business being possible else. The requirements for the applicant were somewhat increased. He must now submit:

1. Testimonials of good moral character.
2. A diploma issued by a regularly chartered medical school conforming with the then standards of the Association of the American Medical Colleges.
3. Affidavit stating that he was legal possessor of the same diploma.
4. To personal examination by the board, at least

part in writing. Certificate issues by the District of Columbia or any state or territory of the United States whose standard was equal to that of California could be accepted and registered. The procedure of revocation of license was set forth, together with the compulsory filing of certificates with the county clerk. Unprofessional conduct (seven items) was defined, also illegal practice.

**LAW OF 1907—FOURTH PHASE—GOVERNOR
APPOINTS FROM ELECTED MEMBERS OF
MEDICAL SOCIETIES**

In 1907 the Senate Bill 238, introduced by H. S. G. McCartney of Los Angeles, passed without a dissenting vote in either Senate or Assembly, was approved March 14, 1907, by the Governor and superseded the law of 1901.

This act removed the regulation of medical practice still further, but not entirely, from the doctors. It provided that the Governor should appoint a board of medical examiners consisting of eleven members, five members from a list of ten presented by the Medical Society of the State of California, two from a list of four presented by the Eclectic Society, two from a list of four presented by the Homeopathic Society, and two from a list of four presented by the Osteopathic Association, which had in the meantime been incorporated (January, 1901). No person in any way connected with a teaching institution was eligible to this board, and the vote of seven members was necessary to carry any motion or resolution or issue any certificate. Three certificates were authorized:

1. Medicine and surgery.
2. Osteopathy.
3. Any other mode or system.

Each applicant was required to produce his diploma from a school whose qualifications were those of the Association of American Colleges of even date, testimonials of good moral character, affidavit attesting ownership of the diploma, and to undergo a written examination, the subjects for which were specified. The recording, revocation, unprofessional conduct (seven items) penalties for violation were also provided.

"SPECIAL" AMENDMENT NO. 1

The act of 1907 was specially amended in 1909. This amendment introduced by Senator Savage, and carried unanimously by both houses, set forth in detail who may practice medicine in the state of California, namely: All licentiates under all previous acts, and also "any person who holds an unrevoked certificate issued by the Board of Examiners of the Association of Naturopaths of California." The scholastic, medical, moral, or other prerequisites to the acquiring of this certificate are not stated.

"SPECIAL" AMENDMENT NO. 2

The act of 1907 was specially amended again in 1911, instructing the Board of Medical Examiners to issue a license "to any person who has practiced his special branch of medicine for a period of not less than thirty-five years, fifteen years of which shall have been in the state of California upon affidavit that he has successfully and effectively prac-

ticed the special branch of medicine and surgery for the number of years herein mentioned," etc. All other persons must take an examination, the subjects and marks of which are set forth. Penalties for purchasing or altering diplomas were provided for.

**LAW OF 1913—FIFTH PHASE—STATE
SOCIETIES NO LONGER RECOGNIZED**

Senate Bill 813, introduced by J. L. Avey of Redlands, passed the Senate, ayes 21, noes 18; Assembly, ayes 46, noes 0, and was approved June 2, 1913. In the terms of this bill, the legislature took no further cognizance of the state medical organizations, but provided for a board of ten members, appointed by the Governor, all citizens of the state, no restrictions as to form of license held; however, persons connected with medical teaching institutions were not eligible. Seven votes were necessary to carry any motion. The board was authorized to issue three certificates:

1. Physicians and surgeons.
2. Drugless.

3. Reciprocity certificates (a new departure in California, and ordered issued upon license in other states whose laws are equal in requirements of those of California of even date). The requirements exacted from the applicants for licensure were increased by a high school diploma to be succeeded (after January 1, 1919) by one year of college work in science before entering medical school. The bill contained a long and detailed statement of the number of hours' instruction in each subject for both physician and surgeons and drugless certificates. Thus relieving (by legislative mandate) college faculties from the strain of deciding upon curricula. The subjects for examination were set forth. A provision for raising the drugless certificate to physicians and surgeons by subsequent examination was inserted. There is also in this act another innovation, namely, the oral examination by a committee of the board of practitioners licensed in other states before August 1, 1901. This provision took care of the elderly practitioner long out of school who, though possibly a highly competent physician, had considerable difficulty with the written examination, particularly in pre-medical and pure scientific subjects. Suspension, revocation, recording procedures, and an official directory were provided for, and "unprofessional conduct," now eleven items, defined.

**AMENDMENTS OF 1915—BOARD AUTHORIZED
TO SELL DIRECTORIES—CHIROPODISTS
LICENSED UNDER THE BOARD**

The act was amended in 1915 to rearrange the meeting places and give the board authority to sell official directory of licensed practitioners which the board had been compelled to compile under the 1913 act. These amendments also defined chiropody and provided for the issuance by the board of certificates to chiropodists, with the usual proviso that for ninety days after the passage of the act all chiropodists who have practiced one year may register without examination; stated further the requirements for chiropodists, as well as reduced the numbers of hours of instruction for the other certificates. The

requirements preliminary to the examination for drugless certificates were reduced to a one-year course and three years of actual practice in the state of California. Six years of practice and one thousand hours instruction now entitle an applicant to a drugless certificate. The entering into contracts of reciprocity with other states was permitted (another innovation). The varieties of unprofessional conduct were increased to twelve.

**AMENDMENT OF 1917—SIXTH PHASE—DOCTORS
NOW PAY A YEARLY LICENSE FEE—MID-
WIVES LICENSED UNDER THE BOARD**

This act was again amended in 1917, a very long amendment introducing another innovation, namely, the yearly collection of a two-dollar license fee from all licentiates under the preceding laws. The penalty for overlooking this two-dollar tax for sixty days is only the forfeiture of the license. The act also defined the practice of midwifery, and authorized the board to issue certificates to midwives; set forth again the educational qualifications for applicants desiring either physicians and surgeons, drugless, chiropodists and midwifery certificates; detailed the number of hours necessary, the type of examination and the subjects; authorized the board to issue a midwife certificate upon one-year practice and good moral character; allowed holders of osteopathic certificates to be given an oral examination in order to raise a certificate from drugless to physician and surgeon. This provision seems in large measure to nullify the salutary effect of the additional requirements for a physician and surgeon certificate. If any license granted before March 4, 1907, had been refused acceptance in California because of insufficiency of state standards of licensing, the applicant might receive an oral examination. We find further addition to "unprofessional conduct," which amounts now to eighteen items. Somewhat astonishing is the variety of things for which a midwife's certificate might be revoked. Apparently, one of these might lose her license if she forgot her nail-brush, or if the scissors she used for cutting the cord had points.

**AMENDMENTS OF 1919—SEVENTH PHASE—BOARD
OF EXAMINERS' DECISION AS TO QUALIFICA-
TIONS OF ANY MEDICAL SCHOOL NULLIFIED**

This much-amended act of 1913 was re-amended in 1919 to allow a student in a regular chartered medical school to treat the sick and afflicted without compensation, etc. Again, in 1919 to provide that, if any school be disapproved by the board, such school could commence an action in the Superior Court; the court to have full power to investigate, and its action take precedence over that of the board. This law left little control of medical education and practice to medical men.

INITIATIVE MEASURES OF 1923

At the general election in 1923 initiative measures, fathered by the osteopathic and chiropractic practitioners, were carried, establishing separate boards of examiners for these astute gentlemen who

at least have gotten away from the biennial wrangle at the legislature.

SUMMARY AND CONCLUSIONS

Thus, during the past fifty years the control of California's medical affairs has drifted steadily from the hands of practitioners of the healing art into the hands of others (mainly lawyers). The chief reason assigned for all this legislative activity has been "limiting the right to practice the healing art to those only who have adequate education to make them safe advisors." Musgrave, in a recent number of *CALIFORNIA AND WESTERN MEDICINE*, estimates that there are now operating about one "doctor" of some sort to each 100 of population; about 31,000 altogether. Of these, only 8000 (a little more than one-quarter) hold physicians and surgeons (that is unlimited) licenses, and possibly 19,000 no license at all.

Those of our fathers who put their trust in a licensing system to preserve the ideals of medical men, namely, a well-educated profession, were, the event has proved, most misguided. The method does not produce such a result. It is not likely that legislation of any sort will be any more successful. The age-old test of therapeutic efficiency will, however, still be with us to test the merits of medical ideas. Fifty years ago the best doctors did the most work. They do now. Intelligent students will nearly always go to the best medical schools attainable, and laymen (most of them) will employ the most able available medical advisors.

Capital National Bank Building.

"LET ME LIVE OUT MY YEARS

"Let me live out my years in the heat of blood!
Let me die drunken with the dreamer's wine!
Let me not see this soul-house built of mud
Go toppling to the dust—a vacant shrine!

"Let me go quickly like a candle-light
Snuffed out just at the heyday of its glow!
Give me high-noon—and let it then be night!
Thus would I go.

"And grant me, when I face the grisley thing,
One haughty cry to pierce the gray Perhaps!
Let me be as a tune-swept fiddlestring
That hears the Master Melody—and snaps!"

—JOHN G. NIEHARDT.

The South and North of California Have in Common the First Medical Pioneer and Booster—The first nordic practitioner who arrived in the little pueblo, "Nuestra Señora la Reina de Los Angeles," was John March (Don Juan Marchet), who arrived from Massachusetts in 1836. His fees consisted of horses, cattle, and hides. In 1837 he established himself on the Rancho Los Medanos near Monte Diablo, Yerba Buena, now San Francisco. A letter of Doctor Marsh was published in 1840 in Missouri, and thus he became instrumental in the organization of the first immigrant train to cross the plains to California. It is gratifying to know that the South and the North of California have in common the first medical pioneer and booster. Let us preserve now and forever the same spirit of unity in our medical progress and in the growing prosperity of our great state.—William Wenzlick, M. D.

Old Lady—I believe in post-mortems. It is awful not to know what you have died of.